



U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

# MEMO ENDORSED

**BY ECF**

Hon. Valerie E. Caproni  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

USDC SDNY  
DOCUMENT  
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December 9, 2020

**Re: United States v. Figueroa, 92 Crim. 19 (VEC)**

Dear Judge Caproni:

The Government writes to request a 30-day adjournment of the sentencing in the above-captioned case scheduled for December 10.

Yesterday evening the Court emailed the parties an order that, among other things, directed the Government to inform the Court by 5:00 p.m. today whether the victims of the offenses at issue had been notified of the resentencing and intended to be heard at that resentencing. The order additionally stated that, “[i]f the parties require more time to research these issues, either party is welcome to file a request to adjourn the resentencing.”

The Government has reviewed the case file and identified address and identifying information for the victims, although that information is now nearly 30 years old. The Government will attempt to use that information to determine current contact information for the victims, and to notify them of the resentencing and inform them of their right to be heard. In light of the time needed for that process, the Government requests that the sentencing date be adjourned for approximately 30 days. The defendant does not object to the adjournment.<sup>1</sup> The Government

<sup>1</sup> The defendant has asked the Government whether he can be transferred from the Grady County Jail in Oklahoma back to FCI Terre Haute in the interim. The Government will inquire with the Marshals as to whether this is possible, and whether doing so would require an adjournment of longer than 30 days.

further proposes to send a letter to the Court regarding victim notification and whether victims wish to be heard no later than three days prior to the new sentencing date.

Respectfully Submitted,

AUDREY STRAUSS  
Acting United States Attorney

by: /s/ Kevin Mead  
Kevin Mead  
Assistant United States Attorney  
(212) 637-2211

CC: Tamara L. Giwa, Counsel for Domingo Rosario Figueroa (by ECF)

Application GRANTED. The sentencing is adjourned to **January 12, 2021 at 10:00 a.m.** No later than **January 8, 2021**, the Government must submit a letter indicating whether it has notified the victims and whether the victims wish to be heard at resentencing.

SO ORDERED.



HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE

12/9/2020